

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

----- x
The Leonard and Madlyn Abramson Family Cancer :
Research Institute at the Abramson Cancer Center :
of the University of Pennsylvania, : 11 Civ. 09108 (NRB)
:
Plaintiff, : ECF Case
:
v. : **Oral Argument Requested**
:
Craig Thompson, M.D., Agios Pharmaceuticals, :
Inc., and Celgene Corporation, :
:
Defendants. :
:

**AGIOS PHARMACEUTICALS, INC.'S NOTICE OF MOTION TO
DISMISS COUNTS I AND III OF THE THIRD AMENDED COMPLAINT**

PLEASE TAKE NOTICE that pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6), the Declaratory Judgment Act, 28 U.S.C. §§ 2201-2202, and 35 U.S.C. §§ 116 and 135(a), upon the Memorandum of Law in Support, and the accompanying Declaration of Peter J. Macdonald and associated exhibits, and upon all prior proceedings and papers filed herein, defendant Agios Pharmaceuticals, Inc., by its undersigned counsel, will move this Court before the Honorable Naomi Reice Buchwald, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Courtroom 21A, New York, New York, at a time and date convenient for the Court, for an order (a) dismissing, with prejudice, Counts I and III of the Third Amended Complaint and (b) granting such other relief as this Court may deem just and proper.

Dated: March 16, 2012

Respectfully submitted,

/s/ Peter J. Macdonald

Peter J. Macdonald

Sanjay S. Mody

Peter J. Shen

Violetta G. Watson

WILMER CUTLER PICKERING

HALE AND DORR LLP

399 Park Ave

New York, NY 10022

Telephone: (212) 230-8800

Fax: (212) 230-8888

*Counsel for Defendant Agios
Pharmaceuticals, Inc.*